

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

YOLANDA RAMOS-MORALES,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CIVIL NO. 11-2082 (CVR)

OPINION AND ORDER

Plaintiff Yolanda Ramos Morales (hereafter plaintiff “Ramos-Morales”) filed the present action to obtain judicial review of the final decision of the defendant, the Commissioner of Social Security (hereafter “Commissioner”), denying the application for entitlement to a period of disability and ensuing benefits. (Docket No. 1).

On June 27, 2011, the Commissioner answered the Complaint with copy of the administrative record. (Docket Nos. 13 and 14). Plaintiff Ramos-Morales, through her counsel, Atty. Salvador Medina de la Cruz, filed the corresponding memorandum of law on October 26, 2012. (Docket No. 21). The Court granted extensions of time to file the defendant’s memorandum.

On February 22, 2013, the Commissioner requested entry of Judgment with reversal and the case to be remanded for good cause and further action by the Commissioner. The Commissioner submits it is seeking remand to update the treatment record, if necessary, obtain medical evidence from a medical expert to clarify issues and further consider plaintiff’s functional capacity. The Commissioner recognizes the administrative decision does not contain the required analysis as to some of the medical opinions of record and

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there is conflicting evidence that needs to be assessed. As such, the Commissioner requests remand, rather than an award of benefits, so as to conduct further administrative proceedings. (Docket No. 28).

The request by the Commissioner is considered good cause for remand as per joint conference committee in the Social Security Disability Amendment of 1980. H.R. Rep. No. 96-944, 96th Cong., 2d Sess. 59 (1980).¹

For the reasons above discussed, this United States Magistrate Judge orders judgment be entered remanding the case to the Commissioner of Social Security.

CONCLUSION

In view of the foregoing, this case is remanded to the Commissioner for further administrative action.

Judgment is to be entered accordingly.

In San Juan, Puerto Rico, on this 26th day of February of 2013.

S/CAMILLE L. VELEZ-RIVE
CAMILLE L. VELEZ RIVE
UNITED STATES MAGISTRATE JUDGE

¹ See Melkonyan v. Sullivan, 501 U.S. 89, 100 n.2, 111 S.Ct. 2157, 2164 n.2 (1991); Shalala v. Schaefer, 509 U.S. 292, 113 S.Ct. 2625, 2629 n.2 (1993).